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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,523	01/23/2002	Jeffrey Herold	033905-010	4335
7590 09/22/2005			EXAMINER	
Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*E*

<b>Office Action Summary</b>	<b>Application No.</b> 10/056,523	<b>Applicant(s)</b> HEROLD, JEFFREY	
	<b>Examiner</b> Tri M. Mai	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The drawing submitted 06/10/05 has been disapproved. The bag shown in the new Fig. 5 is not the one shown in the originally disclosed Fig. 5. Inter alias, the new drawing does not show the fastener above the ring, the handle. Furthermore, the entire bag must be shown to show the shoulder strap and the removable pocket as set forth by the claims.

2. The drawings are objected to under 37 CFR 1.83(a).

a) It is unclear where Figs 6A and 6B are taken from.

b) The drawings must show every feature of the invention specified in the claims.

Therefore, the fastener on the shoulder strap coupling with the attachment facility which having a plurality of fastening member along a periphery must be shown, all of the fastening types in claim 3. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1-16, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach the shoulder strap removably coupling with the attachment facility which having a plurality of fastening member along a periphery. This is a new matter rejection.

Regarding claims 8-9, the specification fails to show how the stand system being replaceable without tools.

4. Claim 1, 2, 3, 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Perrin (5176253). Perrin teaches an attachment facility with fasteners (portions 50+49 on one end and the other having portion 54 and 53), and pockets 21 and 23.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin in view of Varney et al. (6006974), and further in view of JP 140842. Varney teaches that it is known in the art to provide a shoulder strap system with two bag straps, two padded shoulder strap elements. It would have been obvious to one of ordinary skill in the art to provide the shoulder strap system in Perrin as taught by Varney to provide an alternative strap system for carry the golf bag easily. Furthermore, It would have been obvious to one of ordinary skill in the art to

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provide mating buckle fasteners in the modified bag of Perrin as taught by JP '842 to provide the desired attaching means for the various parts of the strap.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Perrin rejection as set forth and further in view of Wintraub (5566871). It would have been obvious to one of ordinary skill in the art to provide removable shoulder molds 26 in the shoulder straps of the modified bag of Perrin as taught by Wintraub to provide added comfort.

7. Claims 8-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin in view of Shiao Chen (6227503). It would have been obvious to one of ordinary skill in the art to provide a removable stand system to enable maintenance easily.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin in view of Izzo (5038984). It would have been obvious to one of ordinary skill in the art to provide back pad in Perrin as taught by Izzo to provide added comfort.

9. Claims 1, 2, 3, and 12-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over JP 1408842 in view of Brown (4350194). JP 1408842 teaches a attachment facility (note portion 13 being separately attached by a seam). JP 842 meets all claimed limitations except for the pockets. Brown teaches that it is known in the art to provide pockets. It would have been obvious for one of ordinary skill in the art to provide pockets in JP842 as taught by Brown to enable one to provide added storage.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to provide a combination of snaps and hook and loop type fasteners to provide an alternative arrangement and/or attaching means.

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10. Claims 8-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the JP 842 rejection, as set forth above, and further in view of Shiao Chen (6227503). It would have been obvious to one of ordinary skill in the art to provide a removable stand system to enable maintenance easily.

11. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the JP 842 rejection, as set forth above, in paragraph 9, and further in view of Izzo (5038984). It would have been obvious to one of ordinary skill in the art to provide back pad in JP 842 as taught by Izzo to provide added comfort.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the JP 842 rejection, as set forth above, in paragraph 9, and further in view of Nelson. It would have been obvious to one of ordinary skill in the art to provide an indicia to identify and/or for marketing purposes.

13. Claims 1-3, and 12-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable Brown in view of JP '842. Brown teaches a chassis comprises of the closed bottom and open top at 62, at least one attachment facility permanently affixed to an exterior of the chassis along the longitudinal axis, and a plurality of fastening member 64 extending a long a periphery (note that the claim only require two fastening member). In the very least fasteners 63 and 64 meet this claimed limitation, at least one pocket. Brown meets all claimed limitations except for shoulder strap. JP '842 teaches that it is known in the art to provide a shoulder strap. It would have been obvious for one of ordinary skill in the art to provide a shoulder strap in Brown as taught by JP '842 to carry the bag easily.

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14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

